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Attorneys for Defendants  
 EDUCATIONAL COMMISSION FOR  
 FOREIGN MEDICAL GRADUATES,  
 Erroneously sued as  
 EDUCATION COMMISSION FOR  
 FOREIGN MEDICAL GRADUATES,  
 and  
 FOUNDATION FOR ADVANCEMENT OF  
 INTERNATIONAL MEDICAL EDUCATION  
 AND RESEARCH

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

ST.LUKE SCHOOL OF MEDICINE, et al.	)	Case No. CV-10-1791RGK (SHx)
	)	
Plaintiff(s)	)	DEFENDANTS' REPLY TO
	)	PLAINTIFFS' OPPOSITION TO
	)	MOTION TO DISMISS PLAINTIFFS'
v.	)	FIRST AMENDED COMPLAINT
	)	FOR LACK OF SUBJECT MATTER
	)	JURISDICTION AND FOR FAILURE
REPUBLIC OF LIBERIA, et al.	)	TO STATE A CLAIM
	)	
Defendants.	)	[F.R.C.P. 12(b)(1) & 12(b)(6)]
	)	
	)	Date: June 21, 2010
	)	Time: 9:00 a.m.
	)	Courtroom: 850
	)	

Defendants EDUCATIONAL COMMISSION FOR FOREIGN MEDICAL  
 GRADUATES erroneously sued as EDUCATION COMMISSION FOR

1 FOREIGN MEDICAL GRADUATES (“ECFMG”) and FOUNDATION FOR  
 2 ADVANCEMENT OF INTERNATIONAL MEDICAL EDUCATION AND  
 3 RESEARCH (“FAIMER”) submit the following reply to plaintiffs’ opposition to  
 4 motion to dismiss for lack of subject matter jurisdiction pursuant to Federal Rules  
 5 of Civil Procedure section 12(b)(1) and for failure to state a claim pursuant to  
 6 Federal Rules of Civil Procedure section 12(b)(6).

7 In light of the fact that plaintiffs have not opposed defendants’ motion to  
 8 dismiss for lack of personal jurisdiction pursuant to Federal Rules of Civil  
 9 Procedure section 12(b)(2), moving defendants have not filed a reply as to that  
 10 motion. Although the motion to dismiss for lack of personal jurisdiction is  
 11 unopposed, moving defendants nonetheless request the court rule on both (1) the  
 12 unopposed motion to dismiss for lack of personal jurisdiction and (2) the motion to  
 13 dismiss for lack of subject matter jurisdiction and failure to state a claim, which  
 14 plaintiffs did oppose.

# **I.**

## **TIMING OF REPLY.**

17 Moving defendants acknowledge that pursuant to Local Rule 7.9, their reply  
 18 was due to be filed no later than June 7, 2010. However, plaintiffs did not file their  
 19 opposition until yesterday, June 14, 2010. Thus, counsel for moving defendants  
 20 filed this reply as soon as practically possible, as they did with their moving  
 21 papers.

22 Despite the undersigned counsel first being assigned to represent moving  
 23 defendants one day before the initial responsive pleading was due, plaintiffs’  
 24 counsel withdrew his extension of time with regard to the responsive pleading and  
 25 failed to return the call of undersigned counsel. Thus, the undersigned counsel had  
 26 one day within which to become familiar with the case and research and draft the  
 27 responsive pleading.

28 ///



1 foundation for his personal knowledge of these matters. Moving defendants object  
2 to and move to strike plaintiffs' counsel's declaration.

3 **IV.**

4 **CONCLUSION**

5 As set forth in the moving papers and herein, plaintiffs fail to allege a basis  
6 for subject matter jurisdiction and fail to state a claim against moving defendants.  
7 Plaintiffs admit that their case is barred by the statute of limitations. Therefore,  
8 defendants ECFMG and FAIMER move this Court for an order dismissing this  
9 case.

10 Dated: June 15, 2010

LAW OFFICES OF JAMES R. ROGERS

11  
12 *James R. Rogers*

13 By: \_\_\_\_\_

14 James R. Rogers, Esq.

15 Bridgette A. Webster, Esq.

16 Attorneys for Defendants

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